

**TOWN OF DAVIE  
REGULAR MEETING  
DECEMBER 19, 2007**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:30 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present at the meeting were Mayor Truex, Vice-Mayor Caletka, and Councilmembers Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, Assistant Town Administrator Cohen, and Town Clerk Muniz recording the meeting. Councilmember Crowley was absent.

Councilmember Starkey made a motion, seconded by Vice-Mayor Caletka, to excuse Councilmember Crowley's absence. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

**3. PRESENTATIONS**

**3.1 Supervisor of Elections - Fred Bellis, Executive Assistant**

Mr. Bellis reported that Dr. Brenda Snipes was concerned about voter turnout in Broward County and encouraged all residents eligible to vote to register prior to December 31st. Mr. Bellis announced election dates in the County for the coming year and stated that early primary voting would run from January 14 - January 28, 2008. He invited everyone to take advantage of early voting and absentee voting. Mr. Bellis explained the tracking system that would be used for absentee ballots to make sure they were all counted and processed properly.

Councilmember Starkey mentioned an access issue at two local precincts and Mr. Bellis agreed to look into this and report back to Councilmember Starkey.

**3.2 Send Your Sales Tax to School - Robert Legg**

Mr. Legg explained that a sales tax collector for the State of Florida was entitled to a collection allowance for preparing the forms and filing on time, which could be returned to the County to be used for classroom technologies and teacher training. He explained that in order for school districts to get this money, a resolution must be passed stating the funds would be used for technologies training.

Mayor Truex asked Mr. Shimun to place a resolution pursuant to this on a future Council agenda.

**3.3 2008 Legislative Session - David Sigerson**

Regarding the upcoming property tax vote, Mr. Sigerson reported that recent polls were inconsistent and he could not predict whether it would pass. He anticipated that even if the measure passed, property tax discussions would continue in the Legislature.

Regarding the Broadview Park annexation, Mr. Sigerson said he had made clear to members of the delegation that the Town had never agreed to take Broadview unless there would be no financial impact to the Town. Council agreed they should discuss this further.

Mr. Sigerson reported that a bill had been filed permitting ad valorem taxes to fund police and fire services within the CRA district. He recommended to municipalities in this position that they ask the Legislature to limit the amount of the CRA funds that could be spent for police and fire services.

Regarding mobile home legislation, Mr. Sigerson anticipated the bill regarding mobile homeowner relocation would be re-filed. This bill specified that the municipality would be responsible for the entire un-funded portion of relocation costs. Mr. Sigerson advised that he had worked in the past to find a solution that would not result in another un-funded mandate to the Town.

Mr. Sigerson reported that the Special District Commission Review bill would probably be withdrawn. He explained that the Independent Special Fire District Bill had been amended to clarify that it only applied to cities that signed up to participate.

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#### 3.4 Van Kirk Wetland Mitigation Plan - Home Dynamics

Dennis Mele, representing Home Dynamics, presented plans for the Van Kirk property and reported that permits would be issued shortly. He asked Council to authorize staff to write any letters that would be required for the permitting agencies. Mr. Mele reported that the only board they had not appeared before was the Central Broward Water Control District.

Councilmember Starkey made a motion, seconded by Mayor Truex, to authorize staff to write any required letters for permitting agencies. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

#### 3.5 School Board Community Participation Forum

Tom Coates, Executive Director for Facility Management Planning and Site Acquisition for the Broward County School Board, reported that the School Board had identified two properties for MMM High School, and had authorized staff to negotiate with the owners. He announced that a community participation form was scheduled for January 8th at 7 p.m. in Western High School auditorium.

Vice-Mayor Caletka asked that Mr. Coates report to Superintendent Notter that he vehemently opposed any new school coming to Davie. Vice-Mayor Caletka believed this would be detrimental to the academic careers of Davie students and would be bad for the tax rolls. Councilmember Starkey agreed and added that the proposed site would cause the most disruption for students from south central Broward County. She asked Mr. Coates to plead with the School Board and Superintendent Notter to put the school where the children were located.

Mayor Truex asked if the School Board would notify the residents of the meeting. Mr. Coates indicated that the School Board would be amenable to providing notice to residents within the vicinity of the proposed new school.

Mayor Truex stated that staff and the petitioner were requesting that item 6.5 be tabled to January 2, 2008.

Vice-Mayor Caletka made a motion, seconded by Councilmember Starkey, to table. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that the Steering Committee had requested items 6.7 and 6.9 be tabled to January 2, 2008.

Vice-Mayor Caletka made a motion, seconded by Councilmember Starkey, to table to the second meeting in January [January 16, 2008]. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

## 4. APPROVAL OF CONSENT AGENDA

### *Home Business Tax Receipt*

#### 4.1 Atech Pressure Washing Inc., 6821 SW 56 Court

### *Resolutions*

- 4.2 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2007-347 AUTHORIZING THE EXPENDITURE OF \$58,820.00 FOR THE PURCHASE OF  
AN AERIAL SURVEILLANCE PLATFORM FROM SOLE SOURCE VENDOR ICX  
TACTICAL PLATFORMS FOR THE TOWN OF DAVIE POLICE DEPARTMENT.  
(ICx Tactical Platforms)

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- 4.3      **ESTABLISHING POLICY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A SURVEILLANCE POLICY TO INCLUDE DEFINITIONS, DIRECTION, EXCEPTIONS AND IMPLEMENTATION. (tabled from December 5, 2007)
- R-2007-348      4.4      **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN OF DAVIE AND MICRO SYSTEMS CONSULTANTS INC FOR PROGRAMMING SERVICES.(\$15,000/year)
- R-2007-361      4.5      **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND JOSEPH KELLJCHIAN FOR KARATE INSTRUCTOR SERVICE. (25% revenue to the Town)
- R-2007-349      4.6      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH TOSHIBA BUSINESS SOLUTIONS OF FLORIDA TO LEASE ONE COPIER FOR THE FIRE RESCUE DEPARTMENT. (\$5,119.92/year)
- R-2007-350      4.7      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE RODEO ASSOCIATION, INC. AND THE TOWN OF DAVIE, FOR THE USE OF THE BERGERON RODEO GROUNDS FOR AN ALL GIRL RODEO AND A HIGH SCHOOL RODEO WAIVING RENTAL FEES. (arena rental - \$4,000; waiver of fee)
- R-2007-351      4.8      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE RODEO ASSOCIATION, INC. AND THE TOWN OF DAVIE, FLORIDA FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR WEEKLEY RODEOS. (arena rental - \$5,000)
- R-2007-352      4.9      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN JOANA BUENO PRODUCTIONS, LLC AND THE TOWN OF DAVIE TO HOLD A BRAZILIAN RODEO. (arena rental - \$1,500)
- R-2007-353      4.10      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE FLORIDA GAY RODEO ASSOCIATION AND THE TOWN OF DAVIE TO LEASE THE BERGERON RODEO GROUNDS FOR A RODEO. (arena rental - \$3,000)

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- 4.11  
R-2007-354      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE GOLD COAST DOG CLUB, INC. FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR WEEKLY DOG CLASSES. (arena rental - \$5,000)
- 4.12  
R-2007-355      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN PROJECT STABLE OF BROWARD COUNTY AND THE TOWN OF DAVIE TO LEASE THE BERGERON RODEO GROUNDS FOR A HORSE SHOW AND WAIVE RENTAL FEE. (arena rental - \$1,000.00; waiver of fee)
- 4.13  
R-2007-356      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE DOG OBEDIENCE CLUB OF HOLLYWOOD ,FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR WEEKLY DOG CLASSES. (arena rental - \$4,800)
- 4.14  
R-2007-357      **AGREEMENTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE AGREEMENTS WITH THE BROWARD COUNTY PROPERTY APPRAISER FOR CREATING AND MAINTAINING NON-AD VALOREM ASSESSMENT ROLLS FOR FIRE RESCUE SERVICES AND SOLID WASTE SERVICES; AND PROVIDING AN EFFECTIVE DATE. (\$14,122 for Fire Rescue and approximately \$9,904 for Solid Waste)
- 4.15  
R-2007-358      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE ESTABLISHMENT OF A NEW CHECKING ACCOUNT AT SUNTRUST, AUTHORIZING EXECUTION OF THE REQUIRED ACCOUNT AGREEMENT AND RELATED SIGNATURE FORMS, AND PROVIDING AN EFFECTIVE DATE.
- 4.16  
R-2007-359      **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF SUNSHINE AFTER SCHOOL CHILD CARE, INC. TO OPERATE THE TOWN'S SUMMER CAMP PROGRAMS AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 4.17  
R-2007-360      **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE APPLICATION FOR A \$22,609.00 GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PRE-DISASTER MITIGATION PROGRAM FOR THE WIND RETROFIT PROJECT AT THE DAVIE FIELD OPERATIONS CENTER (FOC) AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (WITH \$7,625.00 MATCHING FUNDS).

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4.18 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE "RIVIERA COMMERCIAL PARK NORTH," AND PROVIDING AN EFFECTIVE DATE. (DG 9-1-06, Doral Campus Office Park, generally located on the northeast corner of University Drive and NW 33 Street)

4.19 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "THE PLAZA"; PROVIDING FOR THE MAYORS SIGNATURE; AND PROVIDING FOR AN EFFECTIVE DATE. (DG 10-1-07, The Plaza, 11400 State Road 84)

Councilmember Luis pulled items 4.3 and 4.5 from the Consent Agenda. Councilmember Starkey pulled item 4.19. Vice-Mayor Caletka pulled item 4.14. Mayor Truex pulled item 4.18.

Vice-Mayor Caletka made a motion, seconded by Councilmember Luis, to approve the Consent Agenda less items 4.3, 4.5, 4.14, 4.18 and 4.19. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

**5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.3 Councilmember Luis suggested that this item be tabled until Councilmember Crowley was in attendance.

Councilmember Luis made a motion, seconded by Mayor Truex, to table this item until January 2, 2008. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

4.5 Councilmember Luis advised that he had been approached by a few organizations requesting to bid on this. Mr. Shimun said this could be put out on an RFP.

Councilmember Luis made a motion, seconded by Councilmember Starkey, to approve this item as an extension until there was a new contract. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

4.14 Vice-Mayor Caletka indicated that he would vote against this because he believed this could be done in-house.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Crowley absent and Vice-Mayor Caletka dissenting, all voted in favor. (Motion carried 3-1)

4.18 Planning & Zoning Acting Deputy Manager David Abramson explained that this application was for an amendment to the plat note to increase the square footage. He recommended tabling the item until January 16, 2008 because they were still working on language with the County and the property owners. The applicant's representative and building owner both agreed to host a community meeting to explain the situation to residents.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to table to January 16, 2008. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

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4.19 Councilmember Starkey was concerned about what would be done with this property. Mr. Abramson explained there was an application for a McDonald's on that corner. Councilmember Starkey said she was not willing to grant them "one square foot more until I know what's coming before us." She wanted the entire plaza to be addressed together.

Councilmember Starkey made a motion, seconded by Vice-Mayor Caletka, to deny the request.

Acting Development Services Director Marcie Nolan explained this was a stand-alone out-parcel owned by a private party and was not part of the shopping center. She noted that Council typically did not deny plat note amendment requests. Councilmember Starkey wanted to see the applicant's plans for the property prior to approving. Mayor Truex wanted to table the item to allow the applicant an opportunity to address Council at a future meeting.

Councilmember Starkey withdrew her motion to deny.

Councilmember Starkey made a motion, seconded by Vice-Mayor Caletka, to table the item to Council's second meeting in January. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

### 6. PUBLIC HEARING

#### *Ordinances - Second and Final Reading*

- 6.1 **FEE SCHEDULE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**  
2007-38 **PROVIDING FOR INCREASES IN THE RATES, FEES AND CHARGES FOR WATER AND SEWER SERVICES TO BE FURNISHED BY THE TOWN; PROVIDING FOR THE ESTABLISHMENT OF SUCH RATES, FEES AND CHARGES; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading December 5, 2007. The vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes}**

Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Mr. Rayson advised that there was a new State Statute requiring some technical changes to the ordinance. He read the list of requirements and explained that these were technical additions and did not affect the current wording of the ordinance or the Council's ability to approve it as written.

Councilmember Luis made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-0)

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- 6.2  
2007-39      **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, DIVISION 2, GENERAL REGULATIONS, SEC. 12-33. GENERAL REGULATIONS, SUBSECTION (A), ACCESSORY USES AND STRUCTURES, ADDING NUMERAL (12) GENERATOR, AND NUMERAL (13) UNDERGROUND CONTAINER FOR NATURAL GAS (LIQUEFIED PETROLEUM); ARTICLE VI, SITE LANDSCAPING, SECTION 12-111, MINIMUM LANDSCAPING REQUIREMENTS FOR OUTDOOR EQUIPMENT OR FACILITIES; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading December 5, 2007. The vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - absent}**

Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-0)

- 6.3  
2007-40      **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT AND RO, RESIDENTIAL OFFICE DISTRICT TO R-3, LOW DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-1-05, Royal Davie, generally located on the west side of the 55th block of Davie Road, between Stirling Road and Griffin Road) *Planning and Zoning Board recommended approval* {Approved on First Reading December 5, 2007. The vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes}**

Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Carmen Heath asked about the tree removal associated with the project. Barry Webber, representing the applicant, stated that a landscape plan had been provided to the Town. Mr. Abramson informed Ms. Heath that properties to the north and south were residential, and there was no Code requirement regarding landscaping between two residential lots. The applicant was proposing an 8-foot high wall to separate the proposed and existing homes and lot trees were required to be provided. Mr. Abramson suggested a vine be planted to camouflage the wall. Mr. Webber said the applicant would work with the residents to accommodate the request.

Councilmember Luis made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-0)

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- 6.4  
2007-41      **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 10-2-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: A-1, AGRICULTURAL DISTRICT TO: GRIFFIN CORRIDOR DISTRICT (EGZ); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-2-07, Trotters Chase/5820 Griffin Road) *Planning and Zoning Board recommended approval* {**Approved on First Reading December 5, 2007. The vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - no; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes**}**

Earlier in the meeting, Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Dennis Mele, representing the applicant, explained that nothing had changed since the meeting on December 5th. He had prepared and submitted to staff a declaration of restrictive covenants as he had promised at the previous meeting and agreed to add any items recommended by staff.

Damiano Pignato felt this would be a great opportunity to provide affordable/workforce housing to help solve the mobile home crisis in Town.

Carmen Heath wanted to be sure traffic issues brought up by residents at the previous meeting were addressed. Mayor Truex said that Council was aware there were some challenges in that area.

Miriam Grossman stated that those in attendance wearing the "Keep Davie Green" t-shirts did not oppose development and indicated that they appreciated the affordable housing component. She asked that the buildings be reduced to two stories to help lower the density and mitigate traffic and other impacts.

Pam Pelky pleaded with Council to do something about the traffic. She recommended police officers ticket drivers who blocked intersections in her area to increase revenues.

Frank Serra said this development incorporated the 20% affordable housing component suggested by the Mobile Home Task Force and asked Council to support it.

Mike Fleischman asked that the adjacent fence be erected prior to construction on the site to prevent access to his property. Mr. Mele advised that a construction fence would be erected prior to construction and a permanent fence would be built during construction. He confirmed that all commitments to reconstructing 58th were going ahead as he had promised on December 5th.

Harvey Warden remarked on the lack of affordable housing for disabled people in the area and he supported the affordable housing component of this project.

Travis Dassinger supported the project and appreciated the green building components that would be utilized. He felt the project would be good for the community.

Ana Celia Lopez asked Council to approve the project for the affordable housing component.

Eric Swalley asked if the sewer lift station could be internalized in the project. He said his neighborhood was a pocket of "this wonderful pristine culture" and should be preserved. Mr. Swalley believed that Trotters Chase should be smaller to have less impact. He recommended removing Building C and reconfiguring the other buildings. Mr. Swalley felt development such as this belonged in the RAC.

Eddie Dial felt Trotters Chase would be good for the community.

Serge Kashishan said he 100% supported the project but he was concerned that there was too much litter in the "green."



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There were no other speakers.

Mayor Truex asked Mr. Mele to display the site plan and describe the heights and configurations of the buildings. Mr. Mele clarified that buildings A, B and C were on land currently zoned Griffin Road Corridor, not on the land that would be rezoned. He indicated that none of the property was zoned for one unit per acre, rural lifestyle. Mr. Mele explained that the lift station was 90% underground and was screened per Code so it would not be visible.

Mr. Mele agreed to provide any additional signage staff felt would help mitigate traffic issues.

Councilmember Starkey assured everyone that the lift stations were virtually undetectable. She asked Mr. Mele to explain the mixed-use conversion and the height along the east side of the property. Mr. Mele advised that all the buildings were less than the 45-foot permitted maximum and indicated that their traffic generation was 63% less than total commercial development would be on this site. Ms. Nolan informed Councilmember Starkey that this was consistent with the East Gateway Corridor intent, which was adopted in 1999 to 2000. Councilmember Starkey supported the project and hoped the traffic issue would be resolved in the future.

Mayor Truex said, "honestly, this is what the Griffin Road corridor is about." He said this was what they bargained for when the corridor study was approved.

Mr. Mele explained the restrictions for the affordable housing.

Councilmember Starkey asked about pet restrictions. Mr. Mele said rental apartments would allow pets of up to 20 pounds and there would be an additional pet security deposit.

Councilmember Luis made a motion, seconded by Councilmember Starkey, to approve subject to the terms and conditions attested to by the applicant. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-0)

*Ordinances - First Reading (Second and Final Reading to be held January 2, 2008)*

- 6.5 **EXISTING NONCONFORMING VEHICULAR ACCESSWAY - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA PERTAINING TO THE SUBJECT OF WHETHER TO ALLOW THE CONTINUATION OF AN EXISTING NONCONFORMING VEHICULAR ACCESSWAY IN ACCORDANCE WITH THE PROCEDURES AND REQUIREMENTS CONTAINED IN SECTION 12-292(D), TOWN OF DAVIE CODE OF ORDINANCES; DESCRIBING THE LAND AFFECTED AS ALL OF TRACTS 55 AND 56, IN SECTION 11, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE FLORIDA FRUITLANDS COMPANY SUBDIVISION NO. 1, RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS LYING AND SITUATED IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA; THE EXISTING NONCONFORMING VEHICULAR ACCESSWAY BEING GENERALLY DESCRIBED AS THE 12400 THROUGH 12700 BLOCK OF SW 13TH STREET IN DAVIE, BROWARD COUNTY, FLORIDA; CONSIDERING THE APPROVAL IN CONNECTION THEREWITH OF A NON-EXCLUSIVE EASEMENT TO THE TOWN OF DAVIE FOR GOVERNMENTAL SERVICES AND A NON-EXCLUSIVE INGRESS/EGRESS LICENSE AND COVENANT TO**

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CONVEY TO TOWN OF DAVIE; MAKING OTHER APPROPRIATE CONDITIONS IN CONNECTION WITH CONSIDERATION OF THIS MATTER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFORE. (tabled from December 5, 2007)

This item was tabled previously in the meeting.

- 6.6 **TEXT AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE III, USE REGULATIONS, DIVISION 5, NONCONFORMING USES AND STRUCTURES, SECTION 39, NONCONFORMING BUILDING AND STRUCTURES, TO CREATE AN EXCEPTION FOR ADDITIONS TO SINGLE FAMILY DWELLING WITH LEGAL NONCONFORMING SETBACKS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from December 5, 2007)

Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Mayor Truex objected to this ordinance because it allowed houses to be extended farther into the setback. He felt "people should live by the new Code" and should provide good reasons to go into the setbacks. Mayor Truex wished Council to retain control over this rather than allowing staff to handle this administratively.

Councilmember Starkey asked Ms. Nolan why this change was needed. Ms. Nolan explained that most of the requests were the result of self-created hardships and Council usually approved them. This change would make the ordinance more equitable and would save staff time.

Councilmember Starkey felt there should be an opportunity for the surrounding neighbors to support or oppose the exceptions, and for Council to make the final decision. Vice-Mayor Caletka and Councilmember Luis agreed.

Councilmember Luis made a motion, seconded by Mayor Truex, to deny. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-0)

- 6.7 **TEXT AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE III, BY ADDING THE FOLLOWING SECTIONS: 12-32.500 "RAC" REGIONAL ACTIVITY CENTER DISTRICTS, 12-32.501 INTRODUCTION, 12-32.502 TERMINOLOGY AND ABBREVIATIONS, 12-32.503 INTENT/PURPOSE, 12-32.504 APPLICABILITY, 12-32.505 TRANSIT-ORIENTED STREETS, 12-32.506 RAC DISTRICTS INTENT AND REQUIREMENTS, 12-32.507 PERMITTED USES, 12-32.508 COMPONENTS OF PLACE STREETS AND BLOCKS, 12-32.509 INTENSITY OF USE STANDARDS, 12-32.510 SITE DEVELOPMENT STANDARDS, 12-32.511 BUILDING FRONTAGE TYPES AND RIGHT-OF-WAY ENCROACHMENTS, 12-32.512 RULES OF TRANSITION, 12-32.513 USE OF PUBLIC RIGHT-OF-WAY, 12-32.514 MASSING AND ARTICULATION, 12-32.515

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GENERAL PROVISIONS, 12-32.516 NONCONFORMITIES, 12-32.517 OFF-STREET PARKING REQUIREMENTS, 12-32.518 GENERAL OPEN SPACE PRINCIPLES AND REQUIREMENTS, 12-32.519 TYPES OF OPEN SPACES PRINCIPLES AND MINIMUM STANDARDS, 12-32.520 SIGNAGE REGULATIONS, 12-32.521 LANDSCAPING REQUIREMENTS AND GUIDELINES, 12-32.522 SITE PLAN PROCEDURES, 12-32.523 VARIATIONS IN DESIGN ADMINISTRATIVE RELIEF, 12-32.524 BUILDING DESIGN GUIDELINES, 12-32.525 ADDITIONAL DESIGN GUIDELINES, 12-32.526 GREEN BUILDING, 12-32.527 DEFINITIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from December 5, 2007)

This item was tabled previously in the meeting.

- 6.8 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CURRENT FEE SCHEDULE OF THE BUILDING DIVISION OF DEVELOPMENT SERVICES DEPARTMENT OF THE TOWN OF DAVIE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the ordinance by title. Mayor Truex announced a public hearing on the ordinance would be held at the January 2, 2008 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Mayor Truex remarked that the comparison chart showed the Town's fees had been "dramatically low" compared to other municipalities.

Vice-Mayor Caletka made a motion, seconded by Councilmember Luis, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-0)

*Ordinance - First Reading/Quasi-Judicial Item (Second and Final Reading to be held January 2, 2008)*

6.9 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 10-1-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE'S REGIONAL ACTIVITY CENTER (RAC) LAND USE CATEGORY WITH THE EXCEPTION OF THE REGIONAL ACTIVITY CENTER-ACADEMICAL VILLAGE DISTRICT (RAC-AV) FROM THE FOLLOWING DISTRICTS: MEDIUM DENSITY (R-4A(OLD CODE)), RECREATION AND OPEN SPACE (RS), LIGHT INDUSTRIAL (M-1 (OLD CODE)), MEDIUM INDUSTRIAL (M-2 (OLD CODE)), PLANNED INDUSTRIAL PARK (M-3 AND M-3 (OLD CODE)), LIMITED HEAVY INDUSTRIAL (M-4 (COUNTY)), BUSINESS PARK (BP), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3), COMMERCE CENTER (CC), MEDIUM INDUSTRIAL (M-2), CEMETERY DISTRICT (A-9 (COUNTY)) TO: REGIONAL ACTIVITY CENTER-RESEARCH AND TECHNOLOGY DISTRICT WEST (RAC-RTW) FROM: MEDIUM-HIGH

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DENSITY DWELLING (RM-16), NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3), COMMUNITY FACILITIES (CF), LOW DENSITY DWELLING (R-3), RECREATION AND OPEN SPACE (RS), AGRICULTURAL (A-1) TO: REGIONAL ACTIVITY CENTER-EDUCATIONAL DISTRICT (RAC-ED) FROM: NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), MEDIUM-HIGH DENSITY DWELLING (RM-16), HIGH DENSITY (RM-25 (COUNTY)) TRAILER PARK (T-1 (COUNTY)), AGRICULTURAL (A-1 (COUNTY)), (A-3 (COUNTY)), PLANNED INDUSTRIAL PARK (M-3), HEAVY INDUSTRIAL (M-3 (COUNTY) & M-3 (HAC VILL)) TO: REGIONAL ACTIVITY CENTER-RESEARCH AND TECHNOLOGY DISTRICT EAST (RAC-RTE) FROM: UTILITIES (U), AGRICULTURAL (A-1), LOW DENSITY DWELLING (R-3), LOW MEDIUM DENSITY DWELLING (R-5), MEDIUM-HIGH DENSITY DWELLING (RM-16), COMMUNITY FACILITIES (CF), COMMUNITY BUSINESS (B-2), RECREATION AND OPEN SPACE (RS), LIGHT INDUSTRIAL (M-1), MEDIUM INDUSTRIAL (M-2), RESIDENTIAL/OFFICE (RO), EASTSIDE NEIGHBORHOOD ZONING (ENSZD) TO: REGIONAL ACTIVITY CENTER-DOWNTOWN NEIGHBORHOOD DISTRICT LOW DENSITY (RAC-ND-2) AND REGIONAL ACTIVITY CENTER-DOWNTOWN NEIGHBORHOOD DISTRICT, MEDIUM DENSITY (RAC-ND-4) FROM: PLANNED RESIDENTIAL DISTRICT (PRD-20 AND PRD-22), MEDIUM DENSITY DWELLING (RM-10), MEDIUM-HIGH DENSITY DWELLING (RM-16), AGRICULTURAL (A-1), COMMUNITY FACILITIES (CF), RECREATION AND OPEN SPACE (RS), MEDIUM DENSITY (MH-10), GRIFFIN CORRIDOR DISTRICT (WGZ), GRIFFIN CORRIDOR DISTRICT (DZ), NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3) TO: REGIONAL ACTIVITY CENTER-TOWN CENTER DISTRICT (RAC-TC); IN ACCORDANCE WITH THE ADOPTED REGIONAL ACTIVITY CENTER MASTERPLAN (#R-2006-155 AND R-2006-335); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from December 5, 2007)

This item was tabled previously in the meeting.

*Ordinance - First Reading (Second and Final Reading to be held at a later date)*

- 6.10 **TEXT AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS APPLICATION LA(TXT) 10-1-07 AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING A PUBLIC SCHOOL FACILITIES ELEMENT (PSFE), AMENDING THE TEXT OF THE INTERGOVERNMENTAL COORDINATION ELEMENT (ICE) AND THE CAPITAL IMPROVEMENTS ELEMENT (CIE) IN ORDER TO INCORPORATE SCHOOL CONCURRENCY PROVISIONS REQUIRED BY FLORIDA STATE STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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Mr. Rayson read the ordinance by title. Mayor Truex announced a public hearing on the ordinance would be held at a later date.

Mr. Rayson opened the public hearing portion of the meeting. As no one spoke, Mr. Rayson closed the public hearing portion of the meeting.

Ms. Nolan explained the changes to the ordinance and said that State Statutes required the Town to adopt this ordinance by February 2008. She advised that if this were not approved, the Department of Community Affairs would deem the Town's Comprehensive Plan not in compliance, and could refuse to review future amendments.

Vice-Mayor Caletka made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-0)

### **7. APPOINTMENTS**

#### **7.1 Mayor Truex**

- 7.1.1 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

- 7.1.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

#### **7.2 Councilmember Crowley**

- 7.2.1 Budget Advisory Board (one exclusive appointment - term expires April 2008) (members shall have experience in financial related occupation or similar skills)

No appointment was made.

- 7.2.2 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.2.3 Water and Environmental Advisory Board (one exclusive appointment per Councilmember; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

#### **7.3 Councilmember Luis**

- 7.3.1 Airport/Transportation Advisory Board (one exclusive appointment; term expires December 2007)

No appointment was made.

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7.4 Councilmember Starkey

- 7.4.1 Mobile Home Task Force (one exclusive appointment - representing a mobile home park owner/manager)

No appointment was made.

- 7.4.2 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.4.3 Water and Environmental Advisory Board (one exclusive appointment per Councilmember; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

- 7.5 Police Employees' Pension Board (two non-exclusive appointments of legal residents; appointing authority should select, from the best qualified persons, minority representation to accurately reflect that population of the area represented by the Board) (term January 2008 - December 2010)

Councilmember Starkey made a motion, seconded by Councilmember Luis, to reappoint Jack Mackie and Larry Davis. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

- 7.6 Fire Employees' Pension Board (two non-exclusive appointments of legal residents; appointing authority should select, from the best qualified persons, minority representation to accurately reflect that population of the area represented by the Board) (term January 2008 - December 2010)

Councilmember Starkey made a motion, seconded by Councilmember Luis to reappoint John Croes and Irving Heller. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

- 7.7 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be legal a resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

Councilmember Starkey made a motion, seconded by Mayor Truex to reappoint Alan Konigsberg and Edgar Woolsair. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

- 7.8 Unsafe Structures Board (three non-exclusive appointments; terms expire April 2010) (members shall be a legal resident or have their principal place of business within the Town's jurisdiction; one appointment shall be a citizen, one appointment shall be an attorney and one appointment shall be a real estate appraiser)

No appointments were made.

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**8. OLD BUSINESS**

There was no old business to be discussed.

**9. NEW BUSINESS**

**9.1 Open Space Advisory Committee Recommendations on Park Improvements/Open Space Bonds and the Dog Park - Mayor Truex**

Earlier in the meeting, Joyce Steward reported that the Open Space Advisory Committee had put considerable effort into determining how to distribute the bond money. She explained that the allocation of 10% equaled \$625,000 per district for capital improvements. Ms. Steward stated there was a good location for a dog park within the boundaries of Betty Booth Roberts Park. She asked Council to adopt the Committee's recommendations for distribution of the bond funds.

Vice-Mayor Caletka indicated that he would not support this because they were creating stricter regulations than specified in the bond. He also objected because it limited what could be done in his district. Councilmember Starkey believed these were intended guidelines for staff and the boards, and Council could modify by project if desired. Councilmember Luis agreed with Vice-Mayor Caletka in opposing this because it was different from what the voters had approved. Mayor Truex recommended this be placed on Council's next agenda for further discussion.

**10. SCHEDULE OF NEXT MEETING**

There were no special meetings to be scheduled.

**11. MAYOR/COUNCILMEMBER'S COMMENTS**

**VICE MAYOR CALETKA**

**HAPPY HOLIDAYS.** Vice-Mayor Caletka wished residents a Merry Christmas and a Happy New Year.

**COUNCILMEMBER STARKEY**

**HAPPY HOLIDAYS.** Councilmember Starkey wished residents happy holidays.

**COUNCILMEMBER LUIS**

**SCHOOL BOARD MEETING.** Councilmember Luis reminded everyone of the School Board meeting on January 8, 2008 at Western High School.

**HAPPY HOLIDAYS.** Councilmember Luis wished everyone happy holidays.

**MAYOR TRUEX**

**NEW WATER RESTRICTIONS.** Mayor Truex announced that new watering restrictions would be in place as of January 15, 2008. He advised that more information was available on the Town website.

**FDOT MEMO.** Mayor Truex referred to the FDOT memo regarding the traffic configuration at 58th and Stirling. Vice-Mayor Caletka explained that pursuant to the residents' requests, FDOT had offered two options for traffic control and he felt they should opt for closing the median at 58th.

**12. TOWN ADMINISTRATOR'S COMMENTS**

**FLORIDA CITY MANAGEMENT ASSOCIATION.** Mr. Shimun requested to be absent from the February 6th Council meeting to attend this workshop. Council approved.

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**13. TOWN ATTORNEY'S COMMENTS**

**HAPPY HOLIDAYS.** Mr. Rayson wished everyone happy holidays.

**LAWSUIT SETTLEMENTS.** Mr. Rayson presented three checks totaling almost \$799,000 representing settlement of three lawsuits.

**14. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 9:36 p.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk